IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

WP(C).No. 1601 of 2006(N)

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PETITIONER:

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KARTHIKEYAN, S/O.NEELAKANDAN,
THEKKUMURI KIZHAKKU,
S.R.P.MARKET.P.O,
TAZHAVA, KOLLAM DISTRICT.

BY ADV. SRI.V.A.PRADEEP KUMAR
SRI.JOSE ABRAHAM

RESPONDENTS:

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1. THE SPECIAL SALE OFFICER,
CO-OPERATIVE AGRICULTURAL DEVELOPMENT BANK,
LTD.NO.Q-467, KARUNAGAPPALLY.

2. THE KARUNAGAPPALLY CO-OPERATIVE
AGRICULTURAL DEVELOPMENT BANK LTD.NO.Q-467,
REPRESENTED BY ITS SECRETARY.

R1 BY ADV.SMT.ANU SIVARAMAN, GOVT. PLEADER.
R2 BY ADV. SRI.P.G.PARAMESWARA PANICKER (SR.)
SRI.P.GOPAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**THOTTATHIL B.RADHAKRISHNAN, J.**

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W.P(C).No.1601 OF 2006

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Dated this the 13th day of November, 2007

**JUDGMENT**

The petitioner, claiming to be an agriculturist, has filed this writ petition challenging recovery proceedings on the basis of certain loan transactions of the year 1999. Following the interim order directing him to remit an amount of Rs.1,35,000/-, he has remitted only an amount of Rs.40,000/-, going by the submission on behalf of the respondents.

2. I have considered the materials on record and the contentions raised. One of the loans was availed for an oil mill and even, according to the petitioner, that account as well as another agricultural loan account became sticky. Having regard to the contentions and the materials on record, I find no jurisdictional error or legal infirmity in the impugned actions. However, as a last resort, the petitioner can be extended a short time to pay off the outstandings.

In the result, while affirming the impugned proceedings, this writ petition is disposed of directing that if the entire outstandings are paid in three equal monthly instalments, payable on or before the 15th of every month commencing from December, 2007, the impugned distress action shall be dropped. It is clarified that if there is default in remitting instalments as aforesaid, the benefit of this judgment shall stand recalled automatically and distress action follow.

Sd/-

**THOTTATHIL B.RADHAKRISHNAN,**
**Judge**

kkb.